



25 SEP 2008

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ALEXANDRIA VA 22314

In re Application of WERNHAM et al.
Application No.: 10/539,623
PCT No.: PCT/EP03/51068
Int. Filing: 18 December 2003
Priority Date: 19 December 2002
Attorney Docket No.: 4590-418
For: AN OPTICAL FILTER

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: DECISION ON PETITION
:
: UNDER 37 CFR 1.47(a)
:
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This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 29 July 2008 to accept the application without the signature of joint inventor, Denny Wernham.

BACKGROUND

The long procedural history of this application is not repeated herein. The decision mailed on 19 June 2008 references it and is hereby incorporated by reference. On 29 July 2008, in response to that decision, applicant filed a renewed petition under 37 CFR 1.47(a) along with a newly executed declaration.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner previously satisfied Items (1), (2) and (3).

With respect to Item (4) above, the declaration submitted on 29 July 2008 appears to be in both the French and English languages. The declaration was accompanied by an English translation together with a statement that the translation is accurate. See 37 CFR 1.69(b). The declaration is acceptable and is in compliance with 37 CFR 1.497(a) and (b). Item (4) is satisfied.

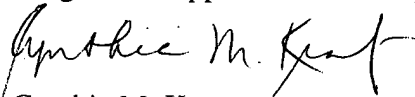
Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 29 July 2008. The application has an international filing date of 18 December 2003 under 35 U.S.C. 363, and a date of 29 July 2008 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



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Dear Mr. Wernham:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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